

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

SAMUEL STEIN,

Plaintiff,

Case No. 3:24-cv-166

vs.

RODNEY N. HOWELL, JR., *et al.*,

District Judge Michael J. Newman

Defendants.

ORDER: (1) DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS (Doc. No. 13); AND (2) CONFIRMING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Doc. No. 23) REMAINS PENDING BEFORE THE COURT

This civil case is before the Court upon Defendants' motion for judgment on the pleadings (Doc. No. 13), Plaintiff's memorandum in opposition (Doc. No. 17), and Defendants' reply (Doc. No. 18). Thus, the motion is ripe for this Court's review.

Upon careful review of the documents at issue, construing Plaintiff's *pro se* allegations in his favor,¹ and considering the procedural posture of this case, the Court believes the efficient and appropriate way forward is to **DENY WITHOUT PREJUDICE** Defendants' motion for judgment on the pleadings and consider the parties' arguments on summary judgment. Although it appears that Defendants' motion raises an issue of law that might be presently decided, the Court recognizes that—after the close of discovery—Defendants filed a summary judgment motion that raises the same issues as their motion for judgment on the pleadings. *See* Doc. No. 23. The better case-management approach is to resolve this issue at the summary judgment stage. Doing so will

¹ As with all *pro se* litigants, Plaintiff's documents and allegations are liberally construed in her favor. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*).

neither significantly increase the cost of litigation nor prejudice Defendants. *Cf.* Fed. R. Civ. P. 1 (The Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding”). Defendants’ summary judgment motion remains pending before the Court.

IT IS SO ORDERED.

August 19, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge